



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

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JUL 08 1993

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Occidental Chemical Corporation  
Occidental Tower, 5005 LBJ Freeway  
P.O. Box 809050  
Dallas, TX 75380-9050

Attn: Michael A. James, Esquire

RE: Standard Chlorine Superfund Site  
Delaware City, Delaware

Dear Mr. James:

The U.S. Environmental Protection Agency ("EPA") is seeking additional information concerning a release, or the threat of release, of hazardous substances, pollutants or contaminants into the environment at the Standard Chlorine Superfund Site, Delaware City, Delaware (the "Site"). Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e), Occidental Chemical Corporation ("OxyChem") is required to furnish all information and documents in its possession, custody or control, or in the possession, custody or control of any of its employees or agents which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), pollutants and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. § 9601(33), which were transported to, stored, treated, or disposed of at the above referenced Site or surrounding area.

Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with this section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

As used herein, the term "documents" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs,

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books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phono-records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer printouts, or other data compilations from which information can be obtained or translated.

Instructions for responding to the inquiries are as follows:

- a) A separate narrative response must be made for each question set forth, and for each subpart of each question.
- b) Precede each answer with the corresponding number of the question and subpart to which it responds.
- c) Provide the name, address, telephone number, and job title of each person assisting you in the preparation of your responses.

#### QUESTIONS

1. During the course of its investigation with respect to the Site, EPA obtained information which indicated that a written agreement between OxyChem and Standard Chlorine of Delaware, Inc. is in effect regarding Standard Chlorine's use of a portion of OxyChem's property for waste discharge and disposal. Please provide a complete copy of this agreement and all attachments.

You are entitled to assert a claim of business confidentiality covering any part or all of the submitted information in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you.

EPA may contract with one or more of the following independent contracting firms to review the documentation, including documents which you claim are confidential business information ("CBI") which you submit in response to this information request, depending on available agency resources. The contractor will be filing, organizing, analyzing and/or summarizing the information for agency personnel. EPA's contractors are: CDM-Federal Programs Corporation, Dynamac Corporation, CH2MHill, Black & Veatch Waste Science and Technology Corporation, TetraTech, Inc., Ecology & Environment, Inc., Halliburton NUS Corporation (formerly known as Halliburton NUS Environmental Corporation), Environmental Technology, Inc., and Roy F. Weston, Inc. operating under contract numbers 68-W9-

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0004, 68-W9-0005, 68-W8-0090, 68-W8-0091, 68-W8-0092, 68-W8-0085, 68-W8-0037, 68-S2-3002, and 68-W0-0036, respectively. These contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. Section 104 of the Superfund law, and EPA's regulations at 40 C.F.R. § 2.310 provide that EPA may share such CBI with contractors. If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of these entities, you must notify EPA at the time you submit such documents.

All documents and information should be sent to:

Joan Armstrong (3HW11)  
U.S. Environmental Protection Agency  
841 Chestnut Building  
Philadelphia, PA 19107

You must respond in writing to this required submission of information within 15 calendar days of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For other entities, the response must be signed by an authorized official of that entity. If, for any reason, you do not provide all information responsive to this letter, in your answer to EPA you must: (1) describe specifically what was not provided, (2) supply to EPA a clear identification of the document(s) not provided, and (3) provide to EPA an appropriate reason why the document(s) was not provided.

If you have any questions concerning this information request please contact Joan Armstrong at (215) 597-0531. Legal questions should be referred to Sarah Keating, Esquire of the Office of Regional Counsel at (215) 597-0814. Technical questions should be referred to Kate Lose at (215) 597-0910.

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501, et seq.

Sincerely,

  
Larry S. Miller, Chief  
PRP Search Section

cc: S. Keating, 3RC33  
K. Lose, 3HW24  
J. Armstrong, 3HW11  
D. Toth, 3HW61  
P. Retallick, DNREC

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